

IN: 1/27/2011
State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-0214/P2

MPG:cjs:md

stays

DOA:.....Kisiolek, BB0041 - DJC Daily Rates

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

D-Note

do NOT gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

CORRECTIONAL SYSTEM

JUVENILE CORRECTIONAL SYSTEM

Under current law relating to community youth and family aids, generally referred to as "youth aids," DOC is required to allocate various state and federal moneys to counties to pay for state-provided juvenile correctional services and local delinquency-related and juvenile justice services. DOC charges counties for the costs of services provided by DOC according to per person daily cost assessments specified in the statutes. Currently, those assessments include assessments of \$275 for care in a juvenile correctional facility, \$275 for care for juveniles transferred from a juvenile correctional institution, \$313 for care in a residential care center for children and youth, \$200 for care in a group home, \$75 for care in a foster home, \$130 for care in a treatment foster home, \$103 for corrective sanctions services, and \$41 for aftercare services. This bill changes those assessments for fiscal year 2011-2012 to \$288 for care in a juvenile correctional facility, \$288 for care for juveniles transferred from a juvenile correctional institution, \$321 for care in a residential care center for children and youth, \$194 for care in a group home, \$78 for care in a foster home, \$118 for care in a treatment foster home, \$102 for corrective sanctions services, and \$42 for aftercare services; and for fiscal year 2012-13 to \$291 for care in a juvenile correctional facility, \$291 for care for juveniles transferred from a juvenile correctional institution, \$337 for care in a residential care center for

children and youth, \$202 for care in a group home, \$81 for care in a foster home, \$124 for care in a treatment foster home, \$104 for corrective sanctions services, and \$42 for aftercare services.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 301.26 (4) (d) 2. of the statutes is amended to read:

301.26 (4) (d) 2. Beginning on July 1, ~~2009~~ 2011, and ending on June 30, ~~2010~~ 2012, the per person daily cost assessment to counties shall be ~~\$270~~ \$288 for care in a Type 1 juvenile correctional facility, as defined in s. 938.02 (19), ~~\$270~~ \$288 for care for juveniles transferred from a juvenile correctional institution under s. 51.35 (3), ~~\$298~~ \$321 for care in a residential care center for children and youth, ~~\$190~~ \$194 for care in a group home for children, ~~\$72~~ \$78 for care in a foster home, ~~\$124~~ \$118 for care in a treatment foster home, ~~\$101~~ \$102 for departmental corrective sanctions services, and ~~\$40~~ \$42 for departmental aftercare services.

SECTION 2. 301.26 (4) (d) 2. of the statutes, as affected by 2009 Wisconsin Act 28, section 2676, and 2011 Wisconsin Act (this act), of the statutes is repealed and recreated to read:

301.26 (4) (d) 2. Beginning on July 1, 2011, and ending on June 30, 2012, the per person daily cost assessment to counties shall be \$288 for care in a Type 1 juvenile correctional facility, as defined in s. 938.02 (19), \$288 for care for juveniles transferred from a juvenile correctional institution under s. 51.35 (3), \$321 for care in a residential care center for children and youth, \$194 for care in a group home for children, \$78 for care in a foster home [other than a foster home that is certified to provide level * care, as defined in the rules promulgated under s. 48.62 (8) (a)], \$118

Analysis in self

Insert 2-A

1 for care in a [foster home that is certified to provide level * care, as defined in those
2 rules], \$102 for departmental corrective sanctions services, and \$42 for
3 departmental aftercare services.

***NOTE: The bracketed language needs to be completed prior to introduction.

4 **SECTION 3.** 301.26 (4) (d) 3. of the statutes is amended to read:

5 301.26 (4) (d) 3. Beginning on July 1, 2010 2012, and ending on June 30, 2011
6 2013, the per person daily cost assessment to counties shall be \$275 \$291 for care in
7 a Type 1 juvenile correctional facility, as defined in s. 938.02 (19), \$275 \$291 for care
8 for juveniles transferred from a juvenile correctional institution under s. 51.35 (3),
9 \$313 ~~(\$337)~~ for care in a residential care center for children and youth, \$200 ~~(\$202)~~ for
10 care in a group home for children, \$75 \$81 for care in a foster home, \$130 ~~(\$124)~~ for
11 care in a treatment foster home, \$103 \$104 for departmental corrective sanctions
12 services, and \$41 \$42 for departmental aftercare services.

13 **SECTION 4.** 301.26 (4) (d) 3. of the statutes, as affected by 2009 Wisconsin Act
14 28, section 2678, and 2011 Wisconsin Act ... (this act), of the statutes is repealed and
15 recreated to read:

16 301.26 (4) (d) 3. Beginning on July 1, 2012, and ending on June 30, 2013, the
17 per person daily cost assessment to counties shall be \$291 for care in a Type 1
18 juvenile correctional facility, as defined in s. 938.02 (19), \$291 for care for juveniles
19 transferred from a juvenile correctional institution under s. 51.35 (3), \$337 for care
20 in a residential care center for children and youth, \$202 for care in a group home for
21 children, \$81 for care in a foster home [other than a foster home that is certified to
22 provide level * care, as defined in the rules promulgated under s. 48.62 (8) (a)], \$124
23 for care in a [foster home that is certified to provide level * care, as defined in those

INS ABC:1
INS ABC:2

1 rules], \$104 for departmental corrective sanctions services, and \$42 for
2 departmental aftercare services.

***NOTE: The bracketed language needs to be completed prior to introduction.

3 **SECTION 9411. Effective dates; Corrections.**

4 (1) JUVENILE CORRECTIONAL SERVICES DAILY RATES. The repeal and recreation of
5 section 301.26 (4) (d) 2. and 3. of the statutes takes effect on July 1, 2011, or on the
6 day after publication, or on the date stated in the notice provided by the secretary
7 of children and families and published in the Wisconsin Administrative Register
8 under section 48.62 (9) of the statutes, whichever is latest.

9 (END)

Insert 4-8

d-note

2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0214/P3ins
MPG:.....

[ANALYSIS INSERT]

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fix

Under current law relating to community youth and family aids, generally referred to as "youth aids," DOC is required to allocate various state and federal moneys to counties to pay for state-provided juvenile correctional services and local delinquency-related and juvenile justice services. DOC charges counties for the costs of services provided by DOC according to per person daily cost assessments specified in the statutes (the "daily rate"). Currently, the daily rate is \$275 for care in a juvenile correctional facility, \$275 for care for juveniles transferred from a juvenile correctional institution, \$313 for care in a residential care center for children and youth, \$200 for care in a group home, \$75 for care in a foster home, \$130 for care in a treatment foster home, \$103 for corrective sanctions services, and \$41 for aftercare services. This bill makes the following changes to those daily rates:

1. Fiscal year 2011-2012

For fiscal year 2011-2012, the daily rate is \$288 for care in a juvenile correctional facility, \$288 for care for juveniles transferred from a juvenile correctional institution, \$102 for corrective sanctions services, and \$42 for aftercare services.

2. Fiscal year 2012-2013

For fiscal year 2012-2013, the daily rate is \$291 for care in a juvenile correctional facility, \$291 for care for juveniles transferred from a juvenile correctional institution, \$104 for corrective sanctions services, and \$42 for aftercare services.

Daily rates for alternate care

While current law sets the specific dollar amounts listed above for the daily rates for care for juveniles in a residential care center for children and youth, also in a group home, and care in a foster home, and instead provides that under the bill the daily rate for each of those types of care is an amount equal to the amount the provider of that care charges DOC. The bill deletes treatment foster care from the list of services for which the DOC department charges a daily rate. ~~DOC~~

[ANALYSIS INSERT]

[INSERT 2-A]

1 **SECTION 1.** 301.26 (4) (b) of the statutes is amended to read:

2 301.26 (4) (b) Assessment of costs under par. (a) shall be made periodically on
3 the basis of the per person per day cost estimate specified in par. (d) 2. and, 3., and
4 4. Except as provided in pars. (bm), (c), and (cm), liability shall apply to county
5 departments under s. 46.21, 46.22, or 46.23 in the county of the court exercising

jurisdiction under chs. 48 and 938 for each person receiving services from the department of corrections under s. 48.366, 938.183, or 938.34 or the department of health services under s. 46.057 or 51.35 (3). Except as provided in pars. (bm), (c), and (cm), in multicounty court jurisdictions, the county of residency within the jurisdiction shall be liable for costs under this subsection. Assessment of costs under par. (a) shall also be made according to the general placement type or level of care provided, as defined by the department, and prorated according to the ratio of the amount designated under sub. (3) (c) to the total applicable estimated costs of care, services, and supplies provided by the department of corrections under ss. 48.366, 938.183, and 938.34 and the department of health services under s. 46.057 or 51.35 (3).

History: 1995 a. 27 ss. 6363p, 9126 (19); 1995 a. 77, 352, 416, 417; 1997 a. 27, 35, 237, 252; 1999 a. 9, 32; 2001 a. 16, 59, 109; 2003 a. 33; 2005 a. 25, 344; 2007 a. 20 ss. 3112 to 3124; 9121 (6) (a); 2007 a. 97; 2009 a. 28.

SECTION 2. 301.26 (4) (cm) 3. of the statutes is amended to read:

301.26 (4) (cm) 3. The per person daily reimbursement rate for juvenile correctional services under this paragraph shall be equal to the per person daily cost assessment to counties under par. (d) 2. ~~and, 3., and 4.~~ for juvenile correctional services.

History: 1995 a. 27 ss. 6363p, 9126 (19); 1995 a. 77, 352, 416, 417; 1997 a. 27, 35, 237, 252; 1999 a. 9, 32; 2001 a. 16, 59, 109; 2003 a. 33; 2005 a. 25, 344; 2007 a. 20 ss. 3112 to 3124; 9121 (6) (a); 2007 a. 97; 2009 a. 28.

[END INSERT 2-A]

[INSERT 4-8]

SECTION 3. 301.26 (4) (d) 4. of the statutes is created to read:

301.26 (4) (d) 4. The per person daily cost assessment to counties for care in a foster home, group home, or residential care center for children and youth ~~as those~~

- 1 ~~Terms are defined in s. 938.02 (6), (7), and (15d)~~ shall be an amount equal to the
- 2 amount the provider charges the department for that care.

[END INSERT 4-8]

INS ABC : 1

Section #. 301.26 (4) (d) 2. of the statutes is amended to read:

\$288 July 2011 2012
301.26 (4) (d) 2. Beginning on ~~January 1, 2010~~ and ending on June 30, ~~2010~~, the per person daily cost assessment to counties shall be ~~\$270~~ \$288 for care in a Type 1 juvenile correctional facility, as defined in s. 938.02 (19), ~~\$270~~ for care for juveniles transferred from a juvenile correctional institution under s. 51.35 (3), ~~\$298 for care in a residential care center for children and youth,~~ ~~\$190 for care in a group home for children,~~ ~~\$72 for care in a foster home,~~ ~~\$124 for care in a treatment foster home under rules promulgated under s. 48.62 (8) (e),~~ ~~\$101~~ \$102 for departmental corrective sanctions services, and ~~\$40~~ \$42 for departmental aftercare services.

History: 1995 a. 27 ss. 6363p, 9126 (19); 1995 a. 77, 352, 416, 417; 1997 a. 27, 35, 237, 252; 1999 a. 9, 32; 2001 a. 16, 59, 109; 2003 a. 33; 2005 a. 25, 344; 2007 a. 20 ss. 3112 to 3124; 9121 (6) (a); 2007 a. 97; 2009 a. 28.

INS ABC: 2

Section #. 301.26 (4) (d) 3. of the statutes is amended to read:

\$291 \$291 2012 2013

301.26 (4) (d) 3. Beginning on July 1, 2010, and ending on June 30, 2011, the per person daily cost assessment to counties shall be ~~\$275~~ for care in a Type 1 juvenile correctional facility, as defined in s. 938.02 (19), ~~\$275~~ for care for juveniles transferred from a juvenile correctional institution under s. 51.35 (3), ~~\$313 for care in a residential care center for children and youth,~~ ~~\$200 for care in a group home for children,~~ ~~\$75 for care in a foster home,~~ ~~\$130 for care in a treatment foster home under rules promulgated under s. 48.62 (8) (c),~~ ~~\$103~~ for departmental corrective sanctions services, and ~~\$41~~ for departmental aftercare services. \$42 \$104

History: 1995 a. 27 ss. 6363p, 9126 (19); 1995 a. 77, 352, 416, 417; 1997 a. 27, 35, 237, 252; 1999 a. 9, 32; 2001 a. 16, 59, 109; 2003 a. 33; 2005 a. 25, 344; 2007 a. 20 ss. 3112 to 3124; 9121 (6) (a); 2007 a. 97; 2009 a. 28.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0214/P3dn

MPG:/:....

ys

- date -

Katrina Kisiolek

Please review this draft carefully to ensure that it is consistent with DOC's intent.

As we discussed in our conference call with DOC on January 20, 2011, this draft, in addition to setting specific dollar amounts for certain daily rates over the next two fiscal years, provides that the daily rate for any alternate care services (i.e., care for juveniles in a residential care center for children and youth, care in a group home, and care in a foster home), is equal to the amount the provider of those services charges DOC.

The draft deletes any rate for or reference to "treatment foster care" in the statutory sections relating to the daily rate. Also, note that there is no reference to the various levels of foster home care established by rule by DCF because as of January 1, 2011, which is the date stated in DCF's notice of implementation of foster care levels of care, the definition of "foster home" under s. 938.02 (6), which the draft references, encompasses all of the levels of foster care DCF establishes by rule.

If you have any questions, please do not hesitate to contact me.

Thank you.

Michael P. Gallagher
Legislative Attorney
Phone: (608) 267-7511
E-mail: michael.gallagher@legis.wisconsin.gov

used in the statutes

Gallagher, Michael

From: Kisiolek, Katrina L - DOA [Katrina.Kisiolek@wisconsin.gov]

Sent: Wednesday, February 09, 2011 4:11 PM

To: Gallagher, Michael

Cc: Steinmetz, Jana D - DOA

Subject: RE: BB0041

The rates for the juvenile correctional facilities/transferred from a juve corr facility dropped by \$1 in each year (\$285 in FY12 and \$290 in FY13). Thanks!

From: Kisiolek, Katrina L - DOA

Sent: Tuesday, February 08, 2011 10:28 AM

To: Gallagher, Michael - LEGIS

Cc: Steinmetz, Jana D - DOA

Subject: BB0041

Mike,

The rates for DJC are as follows:

FY12

Juvenile correctional facilities/transferred from a juve corr facility: 286

Corrective sanctions: 99

Aftercare: 40

FY13

Juvenile correctional facilities/transferred from a juve corr facility: 291

Corrective sanctions: 100

Aftercare: 40

Thanks,

Katie

Katrina Kisiolek

266-2213

Gallagher, Michael

From: Kisiolek, Katrina L - DOA [Katrina.Kisiolek@wisconsin.gov]

Sent: Monday, February 07, 2011 5:49 PM

To: Gallagher, Michael

Cc: Steinmetz, Jana D - DOA

Subject: BB0041

Hi Mike,

On the juvenile rates draft, Corrections would like a reference of some type of rates reviewed and approved by DCF. I will be sending updated rates (hopefully tomorrow!), so don't bother sending it through proofing until I get you those rates because they are changing.

Thanks,

Katie

Katrina Kisiolek
266-2213

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0214/P3dn
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February 1, 2011

Katrina Kisiolek

Please review this draft carefully to ensure that it is consistent with DOC's intent.

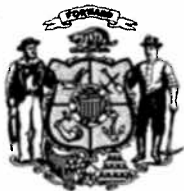
As we discussed in our conference call with DOC on January 20, 2011, this draft, in addition to setting specific dollar amounts for certain daily rates over the next two fiscal years, provides that the daily rate for any alternate care services (i.e., care for juveniles in a residential care center for children and youth, care in a group home, and care in a foster home), is equal to the amount the provider of those services charges DOC.

The draft deletes any rate for or reference to "treatment foster care" in the statutory sections relating to the daily rate. Also, note that there is no reference to the various levels of foster home care established by rule by DCF because as of January 1, 2011, which is the date stated in DCF's notice of implementation of foster care levels of care, the definition of "foster home" used in the statutes encompasses all of the levels of foster care DCF establishes by rule.

If you have any questions, please do not hesitate to contact me.

Thank you.

Michael P. Gallagher
Legislative Attorney
Phone: (608) 267-7511
E-mail: michael.gallagher@legis.wisconsin.gov



Redraft in 2/9
State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-0214/R3
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stays

DOA:.....Kisiolek, BB0041 - DJC Daily Rates

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

do NOT go

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau
CORRECTIONAL SYSTEM

JUVENILE CORRECTIONAL SYSTEM

Under current law relating to community youth and family aids, generally referred to as "youth aids," DOC is required to allocate various state and federal moneys to counties to pay for state-provided juvenile correctional services and local delinquency-related and juvenile justice services. DOC charges counties for the costs of services provided by DOC according to per person daily cost assessments specified in the statutes (the "daily rate"). Currently, the daily rate is \$275 for care in a juvenile correctional facility, \$275 for care for juveniles transferred from a juvenile correctional institution, \$313 for care in a residential care center for children and youth, \$200 for care in a group home, \$75 for care in a foster home, \$130 for care in a treatment foster home, \$103 for corrective sanctions services, and \$41 for aftercare services. This bill makes the following changes to those daily rates:

1. For fiscal year 2011-2012, the daily rate is ~~\$288~~ for care in a juvenile correctional facility, ~~\$288~~ for care for juveniles transferred from a juvenile correctional institution, ~~\$102~~ for corrective sanctions services, and ~~\$42~~ for aftercare services.

2. For fiscal year 2012-2013, the daily rate is ~~\$291~~ for care in a juvenile correctional facility, ~~\$291~~ for care for juveniles transferred from a juvenile correctional institution, ~~\$104~~ for corrective sanctions services, and ~~\$42~~ for aftercare services.

(use 2x)

\$285

\$40

\$99

\$290

(use 2x)

\$100

\$40

3. In addition, the bill eliminates the specific dollar amounts for the daily rates for care for juveniles in a residential care center for children and youth, group home, and or foster home, and instead provides that the daily rate for each of those types of care is an amount equal to the amount the provider of that care charges DOC. The bill also deletes treatment foster care from the list of services for which DOC charges a daily rate.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 301.26 (4) (b) of the statutes is amended to read:

2 301.26 (4) (b) Assessment of costs under par. (a) shall be made periodically on
3 the basis of the per person per day cost estimate specified in par. (d) 2. and, 3., and
4 4. Except as provided in pars. (bm), (c), and (cm), liability shall apply to county
5 departments under s. 46.21, 46.22, or 46.23 in the county of the court exercising
6 jurisdiction under chs. 48 and 938 for each person receiving services from the
7 department of corrections under s. 48.366, 938.183, or 938.34 or the department of
8 health services under s. 46.057 or 51.35 (3). Except as provided in pars. (bm), (c), and
9 (cm), in multicounty court jurisdictions, the county of residency within the
10 jurisdiction shall be liable for costs under this subsection. Assessment of costs under
11 par. (a) shall also be made according to the general placement type or level of care
12 provided, as defined by the department, and prorated according to the ratio of the
13 amount designated under sub. (3) (c) to the total applicable estimated costs of care,
14 services, and supplies provided by the department of corrections under ss. 48.366,
15 938.183, and 938.34 and the department of health services under s. 46.057 or 51.35
16 (3).

17 **SECTION 2.** 301.26 (4) (cm) 3. of the statutes is amended to read:

1 301.26 (4) (cm) 3. The per person daily reimbursement rate for juvenile
2 correctional services under this paragraph shall be equal to the per person daily cost
3 assessment to counties under par. (d) 2. ~~and, 3., and 4.~~ for juvenile correctional
4 services. ^{Use 2x} \$285

5 **SECTION 3.** 301.26 (4) (d) 2. of the statutes is amended to read:

6 301.26 (4) (d) 2. Beginning on ~~January~~ July 1, 2010 2011, and ending on June
7 30, ~~2010 2012~~, the per person daily cost assessment to counties shall be \$270 \$288
8 for care in a Type 1 juvenile correctional facility, as defined in s. 938.02 (19), \$270
9 \$288 for care for juveniles transferred from a juvenile correctional institution under
10 s. 51.35 (3), ~~\$298 for care in a residential care center for children and youth, \$190 for~~
11 ~~care in a group home for children, \$72 for care in a foster home, \$124 for care in a~~
12 ~~treatment foster home under rules promulgated under s. 48.62 (8) (c), \$101~~ \$102 for
13 departmental corrective sanctions services, and \$40 \$42 for departmental aftercare
14 services. \$40 ✓ \$290 ^{Use 2x7} ✓ \$99 ✓

15 **SECTION 4.** 301.26 (4) (d) 3. of the statutes is amended to read:

16 301.26 (4) (d) 3. Beginning on July 1, ~~2010 2012~~, and ending on June 30, ~~2011~~
17 2013, the per person daily cost assessment to counties shall be \$275 \$291 for care in
18 a Type 1 juvenile correctional facility, as defined in s. 938.02 (19), \$275 \$291 for care
19 for juveniles transferred from a juvenile correctional institution under s. 51.35 (3),
20 ~~\$313 for care in a residential care center for children and youth, \$200 for care in a~~
21 ~~group home for children, \$75 for care in a foster home, \$130 for care in a treatment~~
22 ~~foster home under rules promulgated under s. 48.62 (8) (c), \$103~~ \$104 for \$100
23 departmental corrective sanctions services, and \$41 \$42 for departmental aftercare
24 services. \$40 ✓

25 **SECTION 5.** 301.26 (4) (d) 4. of the statutes is created to read:

301.26 (4) (d) 4. The per person daily cost assessment to counties for care in a foster home, group home, or residential care center for children and youth shall be an amount equal to the amount the provider charges the department for that care.

(END)

as authorized
by the department of
children and families.

Gallagher, Michael

From: Kisiolek, Katrina L - DOA [Katrina.Kisiolek@wisconsin.gov]

Sent: Thursday, February 10, 2011 5:19 PM

To: Gallagher, Michael

Cc: Steinmetz, Jana D - DOA

Subject: YA and DJC rates

Hi Mike,

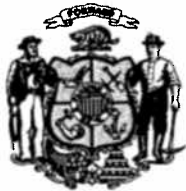
This is a follow-up to the message Jana left you. [REDACTED]
following numbers:

[REDACTED]
[REDACTED]
[REDACTED]
Also, the DJC institutional rates have decreased by \$1 again (0214/p4). They are now \$284 and \$289.

Thanks and feel free to give me a call with any questions.
Katie

Katrina Kisiolek
266-2213

2/11/2011



Redraft in: 2/11
State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-0214/P4

MPG:cjs/jf

Stays

DOA:.....Kisiolek, BB0041 - DJC Daily Rates

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

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1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

CORRECTIONAL SYSTEM

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1. For fiscal year 2011-2012, the daily rate is ~~\$285~~ for care in a juvenile correctional facility, ~~\$285~~ for care for juveniles transferred from a juvenile correctional institution, \$99 for corrective sanctions services, and \$40 for aftercare services.

2. For fiscal year 2012-2013, the daily rate is ~~\$290~~ for care in a juvenile correctional facility, ~~\$290~~ for care for juveniles transferred from a juvenile correctional institution, \$100 for corrective sanctions services, and \$40 for aftercare services.

\$284

\$289

3. In addition, the bill eliminates the specific dollar amounts for the daily rates for care for juveniles in a residential care center for children and youth, group home, and or foster home, and instead provides that the daily rate for each of those types of care is an amount equal to the amount the provider of that care charges DOC. The bill also deletes treatment foster care from the list of services for which DOC charges a daily rate.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

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4 4. Except as provided in pars. (bm), (c), and (cm), liability shall apply to county
5 departments under s. 46.21, 46.22, or 46.23 in the county of the court exercising
6 jurisdiction under chs. 48 and 938 for each person receiving services from the
7 department of corrections under s. 48.366, 938.183, or 938.34 or the department of
8 health services under s. 46.057 or 51.35 (3). Except as provided in pars. (bm), (c), and
9 (cm), in multicounty court jurisdictions, the county of residency within the
10 jurisdiction shall be liable for costs under this subsection. Assessment of costs under
11 par. (a) shall also be made according to the general placement type or level of care
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13 amount designated under sub. (3) (c) to the total applicable estimated costs of care,
14 services, and supplies provided by the department of corrections under ss. 48.366,
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16 (3).

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1 301.26 (4) (cm) 3. The per person daily reimbursement rate for juvenile
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3 assessment to counties under par. (d) 2. ~~and, 3., and 4.~~ for juvenile correctional
4 services.

5 **SECTION 3.** 301.26 (4) (d) 2. of the statutes is amended to read:

6 301.26 (4) (d) 2. Beginning on ~~January~~ July 1, 2010 2011, and ending on June
7 30, ~~2010 2012~~, the per person daily cost assessment to counties shall be ~~\$270~~ \$285
8 for care in a Type 1 juvenile correctional facility, as defined in s. 938.02 (19), ~~\$270~~ \$285
9 ~~\$285~~ for care for juveniles transferred from a juvenile correctional institution under
10 s. 51.35 (3), ~~\$298 for care in a residential care center for children and youth, \$190 for~~
11 ~~care in a group home for children, \$72 for care in a foster home, \$124 for care in a~~
12 ~~treatment foster home under rules promulgated under s. 48.62 (8) (c), \$101~~ \$99 for
13 departmental corrective sanctions services, and ~~\$40~~ \$40 for departmental aftercare
14 services.

15 **SECTION 4.** 301.26 (4) (d) 3. of the statutes is amended to read:

16 301.26 (4) (d) 3. Beginning on July 1, ~~2010 2012~~, and ending on June 30, ~~2011~~
17 2013, the per person daily cost assessment to counties shall be ~~\$275~~ \$290 for care in \$289
18 a Type 1 juvenile correctional facility, as defined in s. 938.02 (19), ~~\$275~~ \$290 for care
19 for juveniles transferred from a juvenile correctional institution under s. 51.35 (3),
20 ~~\$313 for care in a residential care center for children and youth, \$200 for care in a~~
21 ~~group home for children, \$75 for care in a foster home, \$130 for care in a treatment~~
22 ~~foster home under rules promulgated under s. 48.62 (8) (c), \$103~~ \$100 for
23 departmental corrective sanctions services, and ~~\$41~~ \$40 for departmental aftercare
24 services.

25 **SECTION 5.** 301.26 (4) (d) 4. of the statutes is created to read:

1 301.26 (4) (d) 4. The per person daily cost assessment to counties for care in a
2 foster home, group home, or residential care center for children and youth shall be
3 an amount equal to the amount the provider charges the department for that care
4 as authorized by the department of children and families.

5 (END)



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-0214/P5
MPG:cjs:ph

DOA:.....Kisiolek, BB0041 - DJC Daily Rates

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the budget.

Analysis by the Legislative Reference Bureau
CORRECTIONAL SYSTEM

JUVENILE CORRECTIONAL SYSTEM

Under current law relating to community youth and family aids, generally referred to as "youth aids," DOC is required to allocate various state and federal moneys to counties to pay for state-provided juvenile correctional services and local delinquency-related and juvenile justice services. DOC charges counties for the costs of services provided by DOC according to per person daily cost assessments specified in the statutes (the "daily rate"). Currently, the daily rate is \$275 for care in a juvenile correctional facility, \$275 for care for juveniles transferred from a juvenile correctional institution, \$313 for care in a residential care center for children and youth, \$200 for care in a group home, \$75 for care in a foster home, \$130 for care in a treatment foster home, \$103 for corrective sanctions services, and \$41 for aftercare services. This bill makes the following changes to those daily rates:

1. For fiscal year 2011-2012, the daily rate is \$284 for care in a juvenile correctional facility, \$284 for care for juveniles transferred from a juvenile correctional institution, \$99 for corrective sanctions services, and \$40 for aftercare services.

2. For fiscal year 2012-2013, the daily rate is \$289 for care in a juvenile correctional facility, \$289 for care for juveniles transferred from a juvenile correctional institution, \$100 for corrective sanctions services, and \$40 for aftercare services.

3. In addition, the bill eliminates the specific dollar amounts for the daily rates for care for juveniles in a residential care center for children and youth, group home, and or foster home, and instead provides that the daily rate for each of those types of care is an amount equal to the amount the provider of that care charges DOC. The bill also deletes treatment foster care from the list of services for which DOC charges a daily rate.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 301.26 (4) (b) of the statutes is amended to read:

2 301.26 (4) (b) Assessment of costs under par. (a) shall be made periodically on
3 the basis of the per person per day cost estimate specified in par. (d) 2. ~~and, 3., and~~
4 4. Except as provided in pars. (bm), (c), and (cm), liability shall apply to county
5 departments under s. 46.21, 46.22, or 46.23 in the county of the court exercising
6 jurisdiction under chs. 48 and 938 for each person receiving services from the
7 department of corrections under s. 48.366, 938.183, or 938.34 or the department of
8 health services under s. 46.057 or 51.35 (3). Except as provided in pars. (bm), (c), and
9 (cm), in multicounty court jurisdictions, the county of residency within the
10 jurisdiction shall be liable for costs under this subsection. Assessment of costs under
11 par. (a) shall also be made according to the general placement type or level of care
12 provided, as defined by the department, and prorated according to the ratio of the
13 amount designated under sub. (3) (c) to the total applicable estimated costs of care,
14 services, and supplies provided by the department of corrections under ss. 48.366,
15 938.183, and 938.34 and the department of health services under s. 46.057 or 51.35
16 (3).

17 **SECTION 2.** 301.26 (4) (cm) 3. of the statutes is amended to read:

1 301.26 (4) (cm) 3. The per person daily reimbursement rate for juvenile
2 correctional services under this paragraph shall be equal to the per person daily cost
3 assessment to counties under par. (d) 2. ~~and, 3., and 4.~~ for juvenile correctional
4 services.

5 **SECTION 3.** 301.26 (4) (d) 2. of the statutes is amended to read:

6 301.26 (4) (d) 2. Beginning on ~~January~~ July 1, 2010 2011, and ending on June
7 30, ~~2010 2012~~, the per person daily cost assessment to counties shall be ~~\$270~~ \$284
8 for care in a Type 1 juvenile correctional facility, as defined in s. 938.02 (19), ~~\$270~~
9 \$284 for care for juveniles transferred from a juvenile correctional institution under
10 s. 51.35 (3), ~~\$298 for care in a residential care center for children and youth, \$190 for~~
11 ~~care in a group home for children, \$72 for care in a foster home, \$124 for care in a~~
12 ~~treatment foster home under rules promulgated under s. 48.62 (8) (c), \$101~~ \$99 for
13 departmental corrective sanctions services, and ~~\$40~~ \$40 for departmental aftercare
14 services.

15 **SECTION 4.** 301.26 (4) (d) 3. of the statutes is amended to read:

16 301.26 (4) (d) 3. Beginning on July 1, ~~2010 2012~~, and ending on June 30, ~~2011~~
17 2013, the per person daily cost assessment to counties shall be ~~\$275~~ \$289 for care in
18 a Type 1 juvenile correctional facility, as defined in s. 938.02 (19), ~~\$275~~ \$289 for care
19 for juveniles transferred from a juvenile correctional institution under s. 51.35 (3),
20 ~~\$313 for care in a residential care center for children and youth, \$200 for care in a~~
21 ~~group home for children, \$75 for care in a foster home, \$130 for care in a treatment~~
22 ~~foster home under rules promulgated under s. 48.62 (8) (c), \$103~~ \$100 for
23 departmental corrective sanctions services, and ~~\$41~~ \$40 for departmental aftercare
24 services.

25 **SECTION 5.** 301.26 (4) (d) 4. of the statutes is created to read:

301.26 (4) (d) 4. The per person daily cost assessment to counties for care in a foster home, group home, or residential care center for children and youth shall be an amount equal to the amount the provider charges the department for that care as authorized by the department of children and families.

(END)